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FULWIDER PATTON LLP			O CONNOR, BRIAN T	
HOWARD HUGHES CENTER				
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			12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/771,319	HASKAL, AARON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian T. O'Connor	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 November 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to Applicant's amendment filed on 11/29/2007.
2. Claims 1-20 are currently pending.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 2, 7, 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (US 6,104,711; hereafter Voit-711) in view of Voit (US 6,075,783; hereafter Voit-783).

**With respect to claims 1 and 8,** Voit-711 discloses a communications system and method (31, 45, 47, 49, 33, 27 of Figure 1) that sends voice packets over a data network (31 of Figure 1; column 7, lines 52-65). This system also contains a source system (49 of Figure 1), a destination system (49 of Figure 1; see the second telephone icon) and a source gateway (45 of Figure 1) that reformats voice packets in a PSTN audio format into an Internet packet format (column 8, lines 16-59). Voit-711 also discloses another destination system (23, 25 of Figure 1), a destination gateway (21 of Figure 1), a second gateway (27 of Figure 1) that converts voice data packets from the Internet to the destination system (23, 25 of Figure 1).

Voit-711 fails to disclose a base station and an interface device to process packets from the base station.

Voit-783 discloses a source base station (160 of Figure 4; where the Mobile Switching Office is viewed as equivalent to a base station) and a source system (190 of Figure 4; and a destination system must also be present with the network) where the base

station is interfaced with a PSTN Central Office (155 of Figure 4) and the PSTN Central Office must have an interface device to convert or process data packets from the base station.

One of ordinary skill would realize the economic benefit of increased subscribing customers by add a wireless network interface as taught by Voit-783 to the system of Voit-711. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Voit-783 with the system and method of Voit-711.

**With respect to claim 2,** Voit-711 further discloses that the data network is the public Internet (31 of Figure 1) and uses ATM transport technology (column 1, lines 30-34).

**With respect to claim 7,** Voit-711 fails to discloses a wireless destination telephone, a destination switching device that receives re-reformatted voice data packets from the destination interface device, and a destination base station that receives re-reformatted voice data packets from a destination switching device and sends the re-reformatted voice data packets to the wireless destination telephone.

Voit-783 discloses a wireless telephone (190 of Figure 4), one of ordinary skill in the art would realize the system would also have a second wireless telephone for receiving voice data packets. A mobile switch office (160 of Figure 4) is also taught and one of ordinary skill in the art would realize that a second or destination mobile switch(ing) office would be in the system for converting voice data packets to a second or destination wireless telephone. Voit-783 discloses a source base station (160 of Figure 4; where the Mobile Switching Office is viewed as equivalent to a base station), one of ordinary skill in the art would realize that the system would also contain a destination base station.

One of ordinary skill would realize the economic benefit of increased subscribing customers by adding a second wireless telephone, base station, and switching office as taught by Voit-783 to the system of Voit-711. Thus it would have been obvious to one of

ordinary skill in the art at the time of the invention to use the system of Voit-783 with the system of Voit-711.

**With respect to claim 13,** Voit-711 fails to disclose a wireless destination telephone, a destination circuit-switch data network that receives voice data from the destination gateway and routes the data to a destination switching device, and the destination switching device reformats the voice data into the specified voice data packet format.

Voit-783 discloses a wireless telephone (190 of Figure 4), one of ordinary skill in the art would realize the system would also have a second wireless telephone for receiving voice data packets. Voit-783 also discloses a circuit-switching data network (155 of Figure 4; where the PSTN is a circuit-switching technique) and a switching device (160 of Figure 4), one of ordinary skill in the art would realize that a second circuit-switching data network would be in the system for receiving voice data from the PSTN gateway server (140 of Figure 4; viewed as equivalent to a destination gateway) and sending the data to a second mobile switching office (160 of Figure 4; viewed as a destination switching device).

One of ordinary skill would realize the economic benefit of increased subscribing customers by adding a second wireless telephone, circuit-switching network, and switching office as taught by Voit-783 to the system of Voit-711. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Voit-783 with the system of Voit-711.

**With respect to claim 14,** Voit-711 fails to disclose a destination base station that receives re-reformatted voice data packets from a destination switching device and sends the re-reformatted voice data packets to the wireless destination telephone.

Voit-783 discloses a source base station (160 of Figure 4; where the Mobile Switching Office is viewed as equivalent to a base station) that receives reformatted voice

data packets from the mobile switching office and sends the packets to the wireless telephone, one of ordinary skill in the art would realize that the system would also contain a destination base station.

One of ordinary skill would realize the economic benefit of increased subscribing customers by adding a second base station as taught by Voit-783 to the system of Voit-711. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Voit-783 with the system of Voit-711.

5. Claims 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit-711 in view of Voit-783 and further in view of Farris et al. (US 6,125,113; hereafter Farris).

**With respect to claim 3,** Voit-711 fails to disclose a specified format from the source system as AMPS.

Farris, in a related field of endeavor, discloses a mobile source system (422, 426, 486, 472, and 471 of Figure 12) that using AMPS to format data (column 17, lines 64-67).

One of ordinary skill would realize the economic benefit of increased subscribing customers by adding a AMPS subscribing mobile telephone as taught by Farris to the system of Voit-711. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Farris with the system of Voit-711.

**With respect to claim 4,** Voit-711 fails to disclose a wireless source telephone that adds a call type to the voice data packets being sent to a base station and a mobile telephone switching office that receives the data packets and forwards the data packets to a destination interface only for a certain call type.

Farris, in a related field of endeavor, discloses a mobile source telephone (87 of Figure 14) that adds a call type to voice data packets when the call is initialized (column 21, lines 45-67; where the call type is the prefix \*82). Farris also discloses a base station (61,

63 of Figure 14) that receives the wireless data packets for forwards those data packets to a mobile telephone switching office (65 of Figure 14; MTSO) and the MTSO will forward the data packets to an internet module interface (72 of Figure 14) for transmitting by the internet (84 of Figure 14) if a call type is recognized (column 21, lines 45-67; where the prefix \*82 is determined to be an internet call).

One of ordinary skill in the art realizes the benefit of cost savings by using less expensive Internet connects for long distance communications. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Farris with the system of Voit-711.

**With respect to claim 6,** Voit-711 fails to disclose a source base station transmitting voice data packets from the wireless source telephone to the source switching device.

Voit-783 discloses a source base station (160 of Figure 4; where the Mobile Switching Office is viewed as equivalent to a base station) that receives voice data packets from the wireless telephone and sends the packets to the PSTN CO (155 of Figure 4; viewed as the source switching device).

One of ordinary skill would realize the economic benefit of increased subscribing customers by adding a source base station as taught by Voit-783 to the system of Voit-711. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Voit-783 with the system of Voit-711.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voit-711 in view of Voit-783 in view of Farris and further in view of Krishnaswamy et al. (US 5,867,494; hereafter Krishnaswamy).

**With respect to claim 5,** Voit-711 fails to disclose call types of local calls and long distance calls and a certain call type being a long distance call.

Krishnaswamy, in the field of Internet Telephony, discloses that long distance calls will be conducted with the Internet (column 82; lines 35-48). One of ordinary skill in the art would realize that the only other call type must be local calls and that the prefix of Farris would be used to switch a long distance call over the Internet.

Krishnaswamy realizes the benefit of cost savings by using less expensive Internet connects for long distance communications (column 89; lines 3-20). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Krishnaswamy with the system of Voit-711.

7. Claims 9, 10, 12, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris in view of Krishnaswamy.

**With respect to claim 9,** Farris discloses a communications system (Figure 14) for transmitting voice data over an internet network (84 of Figure 14) from a source system (83, 81 of Figure 14) to a destination system (60, 64 of Figure 14). The source system works with a MTSO (MTSO of Figure 14) that routes calls to a CO (52 of Figure 14; viewed as equivalent to the source interface device). The CO continues to route the call to an Internet gateway (74 of Figure 14; viewed as equivalent to a source gateway). The Internet gateway converts the calls from a certain telephone protocol into voice data packets in order to send them over the Internet (column 23, lines 17-27). When the packets cross the internet a destination gateway (72 of Figure 14) receives the packets and converts them to voice data then routes the voice data to the destination system (60, 64 of Figure 14). Farris also discloses that a prefix to the called number is used to switch the call over to the Internet (column 21, lines 45-67).

Farris fails to disclose long distance calls or local calls being performed with the system.

Krishnaswamy, in the field of Internet Telephony, discloses that long distance calls will be conducted with the Internet (column 82; lines 35-48). One of ordinary skill in the art would realize that the only other call type must be local calls and that the prefix of Farris would be used to switch a long distance calls over the Internet.

Krishnaswamy realizes the benefit of cost savings by using less expensive Internet connects for long distance communications (column 89; lines 3-20). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Krishnaswamy with the system of Farris.

**With respect to claim 10,** Farris further discloses a source circuit-switched data network (57, 52 of Figure 14) and a source switching device (MTSO of Figure 14) that receives voice data packets from the source wireless telephone (87 of Figure 14) and converts them into circuit-switched telephone format (DSO format). The source wireless telephone (87 of Figure 14) adds a call type to voice data packets when the call is initialized (column 21, lines 45-67; where the call type is the prefix \*82) and the mobile telephone switching office (65 of Figure 14; MTSO) and the MTSO will forward the data packets to an internet module interface (72 of Figure 14) for transmitting by the internet (84 of Figure 14) if a call type is recognized (column 21, lines 45-67; where the prefix \*82 is determined to be an internet call).

**With respect to claim 12,** Farris further discloses a source base station (75 of Figure 14) carrying data between the source wireless telephone (87 of Figure 14) and the source switching device (MTSO of Figure 14).

**With respect to claim 15,** Farris discloses a routing system (Figure 13) for transmitting voice data over an internet network (84 of Figure 13) from a first mobile telephone (87 of Figure 13) to a destination system (60, 64 of Figure 13). One of ordinary skill in the art would realize that this system would operate in the same manner with a

second mobile telephone. The source system works with a first MTSO (71 of Figure 13; viewed as equivalent to a switching office) and a second MTSO (65 of Figure 13; viewed as equivalent to a switching office) that routes calls to a first CO (52 of Figure 13; viewed as equivalent to a local central office) and a second CO (50 of Figure 13). The first and second CO transmit and receive call data to a first gateway (74 of Figure 13) and a second gateway (72 of Figure 13) via a first interface device (78 of Figure 13) and a second interface device (76 of Figure 13). Farris also discloses that a prefix to the called number is used by the COs to switch the calls over to the Internet (column 21, lines 45-67).

Farris fails to disclose long distance calls or local calls being performed with the system.

Krishnaswamy, in the field of Internet Telephony, discloses that long distance calls will be conducted with the Internet (column 82; lines 35-48). One of ordinary skill in the art would realize that the only other call type must be local calls and that the prefix of Farris would be used to switch a long distance call over the Internet.

Krishnaswamy realizes the benefit of cost savings by using less expensive Internet connects for long distance communications (column 89; lines 3-20). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Krishnaswamy with the system of Farris.

**With respect to claim 16,** Farris further discloses that the central offices and their interfaces will reformat voice data from a wireless telephone format into wired telephone format (column 8, lines 1-12).

**With respect to claim 17,** Farris further discloses that the Internet modules will reformat voice data from a telephone format into an internet protocol format (column 23, lines 17-27).

**With respect to claim 18,** Farris discloses a routing system (Figure 13) for transmitting voice data over an internet network (84 of Figure 13) from a first mobile telephone (87 of Figure 14) to a destination system (60, 64 of Figure 14). One of ordinary skill in the art would realize that this system would operate in the same manner with a second mobile telephone. The source system works with a first MTSO (71 of Figure 13; viewed as equivalent to a switching office) and a second MTSO (65 of Figure 13; viewed as equivalent to a switching office) that routes calls to a first CO (52 of Figure 13; viewed as equivalent to a local central office) and a second CO (50 of Figure 13). The first and second CO transmit and receive call data to a first gateway (74 of Figure 13) and a second gateway (72 of Figure 13) via a first interface device (78 of Figure 13) and a second interface device (76 of Figure 13). Farris also discloses that a prefix to the called number is used by the COs to switch the calls over to the Internet (column 21, lines 45-67). Farris also discloses a PSTN (57 of Figure 14).

Farris fails to disclose long distance calls or local calls being performed with the system, sending local calls over the PSTN, and sending long distance calls over the internet.

Krishnaswamy, in the field of Internet Telephony, discloses that long distance calls will be conducted with the Internet (column 82; lines 35-48). One of ordinary skill in the art would realize that the only other call type must be local calls and that the prefix of Farris would be used to switch a long distance call over the Internet and to use the PSTN for local calls.

Krishnaswamy realizes the benefit of cost savings by using less expensive Internet connects for long distance communications (column 89; lines 3-20). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Krishnaswamy with the system of Farris.

**With respect to claim 19,** Farris must further disclose that the MTSOs will reformat voice data from a wireless telephone format into DSO format (column 8, lines 1-12).

**With respect to claim 20,** Farris further discloses that the Internet modules will reformat voice data from a DSO format (viewed as equivalent to a 64 kilobit circuit-switched format) into a TCP/IP format (column 23, lines 17-27).

***Response to Arguments***

8. Applicant's arguments filed on 11/29/2007 have been fully considered but they are not persuasive.

(A) Applicant argues, on page 11, with respect to claims 1, 2, 7, 8, 13, and 14 that Voit-711 element 49 in Figure 1 is different from the claimed source gateway and Destination gateway.

The Examiner maintains that Voit-711 also discloses another destination system (23, 25 of Figure 1), a destination gateway (21 of Figure 1), a second gateway (27 of Figure 1) that converts voice data packets from the Internet to the destination system (23, 25 of Figure 1).

(B) Applicant argues, on page 11, with respect to claims 1, 2, 7, 8, 13, and 14 that Applicant has not found a reference to "a source interface device adapted to receive data packets".

The Examiner maintains that Voit-783 disclose a PSTN Central Office (155 of Figure 4) and the PSTN Central Office must have an interface device or source interface device to convert or process data packets from the base station.

(C) Applicant argues, on page 12, with respect to claims 9, 10, 12, and 15-20 that Farris's Internet Module/SSP (72) of Figure 14 is not a destination gateway to receive voice data packets from a source gateway over an IP packet-switched network.

The Examiner maintains that the Internet Module/SSP (72 of Figure 14) is receiving voice data packet from the internet (84 of Figure 14) which receives data packets from a source gateway (74 of Figure 14).

(D) Applicant argues, on page 12, with respect to claims 15 and 18 that Applicant has not found a disclosure of first and second switching center in either Farris or Krishnaswamy.

The Examiner maintains that Farris teaches a first MTSO (71 of Figure 13; viewed as equivalent to a switching office) and a second MTSO (65 of Figure 13; viewed as equivalent to a switching office).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. O'Connor whose telephone number is 571-270-1081. The examiner can normally be reached on 9:00AM-6:30PM, M-F, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BTO

Brian T. O'Connor  
December 20, 2007  
Patent Examiner

*Chau T. Nguyen*

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